



201745161 - CLAY, ANTHONY J vs. LAIRSON, ORVALEE DONALD (Court 234)

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Chris Daniel - District Clerk

Harris County

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By: KITCHENS, JUSTIN R

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CIVIL PROCESS REQUEST FORM

2017-45161 / Court: 234

FOR EACH PARTY SERVED YOU MUST FURNISH ONE (1) COPY OF THE PLEADING TO BE SERVED
 FOR WRITS FURNISH TWO (2) COPIES OF THE PLEADING PER PARTY TO BE SERVED

CASE NUMBER: _____ CURRENT COURT: _____

TYPE OF INSTRUMENT TO BE SERVED (See Reverse For Types): Plaintiffs' Original Petition and Request for Disclosure

FILE DATE OF MOTION: July 7, 2017

Month/ Day/ Year

SERVICE TO BE ISSUED ON (Please List Exactly As The Name Appears In The Pleading To Be Served):

1. NAME: Orvalee Donald Lairson

ADDRESS: 125 E. 11th Street, Austin, Texas 78701

AGENT: Chairman of the Texas Transportation Commission

SERVICE BY (check one):

☐ ATTORNEY PICK-UP

☐ CONSTABLE

☒ CIVIL PROCESS SERVER - Authorized Person to Pick-up: Your Eye Investigation-Box 253, 832-881-6754

☐ MAIL

☐ _____ CERTIFIED MAIL

☐ PUBLICATION:

Type of Publication:

☐ COURTHOUSE DOOR, or

☐ NEWSPAPER OF YOUR CHOICE: _____

☐ OTHER, explain _____

2. NAME: Cat & Sons Transportation LLC

ADDRESS: 1019 Brazos Street, Austin, Texas 78701

AGENT: Secretary of the State of Texas

SERVICE BY (check one):

☐ ATTORNEY PICK-UP

☐ CONSTABLE

☒ CIVIL PROCESS SERVER - Authorized Person to Pick-up: Your Eye Investigation-Box 253, 832-881-6754

☐ MAIL

☐ _____ CERTIFIED MAIL

☐ PUBLICATION:

Type of Publication:

☐ COURTHOUSE DOOR, or

☐ NEWSPAPER OF YOUR CHOICE: _____

☐

OTHER, explain _____

ATTORNEY (OR ATTORNEY'S AGENT) REQUESTING SERVICE:

NAME: Clyde J. Moore TEXAS BAR NO./ID NO. 14323690

MAILING ADDRESS: 6001 Savoy Drive, Suite 303, Houston, Texas 77036

PHONE NUMBER: 713-953-9009 FAX NUMBER: 713-953-9049

area code

phone number

area code

fax number

EMAIL ADDRESS: becky@attycjmoore.com

SERVICE REQUESTS WHICH CANNOT BE PROCESSED BY THIS OFFICE WILL BE HELD FOR 30 DAYS PRIOR TO CANCELLATION. FEES WILL BE REFUNDED ONLY UPON REQUEST, OR AT THE DISPOSITION OF THE CASE. SERVICE REQUESTS MAY BE REINSTATED UPON APPROPRIATE ACTION BY THE PARTIES.

INSTRUMENTS TO BE SERVED:

(Fill In Instrument Sequence Number, i.e. 1st, 2nd, etc.)

PROCESS TYPES:

ORIGINAL PETITION
____ AMENDED PETITION
____ SUPPLEMENTAL PETITION

COUNTERCLAIM
____ AMENDED COUNTERCLAIM
____ SUPPLEMENTAL COUNTERCLAIM

CROSS-ACTION:
____ AMENDED CROSS-ACTION
____ SUPPLEMENTAL CROSS-ACTION

THIRD-PARTY PETITION:
____ AMENDED THIRD-PARTY PETITION
____ SUPPLEMENTAL THIRD-PARTY PETITION

INTERVENTION:
____ AMENDED INTERVENTION
____ SUPPLEMENTAL INTERVENTION

INTERPLEADER
____ AMENDED INTERPLEADER
____ SUPPLEMENTAL INTERPLEADER

INJUNCTION
MOTION TO MODIFY
SHOW CAUSE ORDER
TEMPORARY RESTRAINING ORDER

BILL OF DISCOVERY:

ORDER TO: _____
(specify)

MOTION TO: _____
(specify)

NON WRIT:

CITATION
ALIAS CITATION
PLURIES CITATION
SECRETARY OF STATE CITATION
COMMISSIONER OF INSURANCE
HIGHWAY COMMISSIONER
CITATION BY PUBLICATION
NOTICE
SHORT FORM NOTICE

PRECEPT (SHOW CAUSE)
RULE 106 SERVICE

SUBPOENA

WRITS:

ATTACHMENT (PROPERTY)
ATTACHMENT (WITNESS)
ATTACHMENT (PERSON)

CERTIORARI

EXECUTION
EXECUTION AND ORDER OF SALE

GARNISHMENT BEFORE JUDGMENT
GARNISHMENT AFTER JUDGMENT

HABEAS CORPUS
INJUNCTION
TEMPORARY RESTRAINING ORDER

PROTECTIVE ORDER (FAMILY CODE)
PROTECTIVE ORDER (CIVIL CODE)

POSSESSION (PERSON)
POSSESSION (PROPERTY)

SCIRE FACIAS
SEQUESTRATION
SUPERSEDEAS

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Harris County

Envelope No: 18072856

By: KITCHENS, JUSTIN R

Filed: 7/7/2017 8:49:02 PM

CIVIL CASE INFORMATION SHEET

2017-45161 / Court: 234

CAUSE NUMBER (FOR CLERK USE ONLY):

COURT (FOR CLERK USE ONLY):

STYLED ANTHONY CLAY, JAOPSAN JADRIAN DEVILLE, AND JIMMIE LOWERY VS. ORVALEE DONALD LAIRSON, AND CAT & SONS TRANSPORTATION LLC

(e.g., John Smith v. All American Insurance Co; In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition or application is filed to initiate a new civil, family law, probate, or mental health case or when a post-judgment petition for modification or motion for enforcement is filed in a family law case. The information should be the best available at the time of filing.

1. Contact information for person completing case information sheet: Name: Clyde J. Moore Address: 6001 Savoy Dr., Ste. 303 City/State/Zip: Houston, TX 77036 Signature: _____ Email: attycjmoore@yahoo.com Telephone: 713-953-9009 Fax: 713-953-9049 State Bar No: 14323690		Names of parties in case: Plaintiff(s)/Petitioner(s): Anthony Clay Jaopsan Jadrian Deville Jimmie Lowery Defendant(s)/Respondent(s): Orvalee Donald Lairson Cat & Sons Transportation LLC (Attach additional page if necessary to list all parties)		Person or entity completing sheet is: <input checked="" type="checkbox"/> Attorney for Plaintiff/Petitioner <input type="checkbox"/> Pro Se Plaintiff/Petitioner <input type="checkbox"/> Title IV-D Agency <input type="checkbox"/> Other: _____ Additional Parties in Child Support Case: Custodial Parent: _____ Non-Custodial Parent: _____ Presumed Father: _____					
2. Indicate case type, or identify the most important issue in the case (select only 1):									
Civil			Family Law						
Contract <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Consumer/DTPA <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Other Debt/Contract: <input type="checkbox"/> Foreclosure <input type="checkbox"/> Home Equity—Expedited <input type="checkbox"/> Other Foreclosure <input type="checkbox"/> Franchise <input type="checkbox"/> Insurance <input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Non-Competition <input type="checkbox"/> Partnership <input type="checkbox"/> Other Contract:		Injury or Damage <input type="checkbox"/> Assault/Battery <input type="checkbox"/> Construction <input type="checkbox"/> Defamation <input type="checkbox"/> Malpractice <input type="checkbox"/> Accounting <input type="checkbox"/> Legal <input type="checkbox"/> Medical <input type="checkbox"/> Other Professional Liability: <input checked="" type="checkbox"/> Motor Vehicle Accident <input type="checkbox"/> Premises <input type="checkbox"/> Product Liability <input type="checkbox"/> Asbestos/Silica <input type="checkbox"/> Other Product Liability <input type="checkbox"/> List Product: <input type="checkbox"/> Other Injury or Damage:		Real Property <input type="checkbox"/> Eminent Domain/Condemnation <input type="checkbox"/> Partition <input type="checkbox"/> Quiet Title <input type="checkbox"/> Trespass to Try Title <input type="checkbox"/> Other Property: Related to Criminal Matters <input type="checkbox"/> Expunction <input type="checkbox"/> Judgment Nisi <input type="checkbox"/> Non-Disclosure <input type="checkbox"/> Seizure/Forfeiture <input type="checkbox"/> Writ of Habeas Corpus—Pre-indictment <input type="checkbox"/> Other:		Marriage Relationship <input type="checkbox"/> Annulment <input type="checkbox"/> Declare Marriage Void Divorce <input type="checkbox"/> With Children <input type="checkbox"/> No Children Other Family Law <input type="checkbox"/> Enforce Foreign Judgment <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Name Change <input type="checkbox"/> Protective Order <input type="checkbox"/> Removal of Disabilities of Minority <input type="checkbox"/> Other:		Post-judgment Actions (non-Title IV-D) <input type="checkbox"/> Enforcement <input type="checkbox"/> Modification—Custody <input type="checkbox"/> Modification—Other Title IV-D <input type="checkbox"/> Enforcement/Modification <input type="checkbox"/> Paternity <input type="checkbox"/> Reciprocity (UIFSA) <input type="checkbox"/> Support Order Parent-Child Relationship <input type="checkbox"/> Adoption/Adoption with Termination <input type="checkbox"/> Child Protection <input type="checkbox"/> Child Support <input type="checkbox"/> Custody or Visitation <input type="checkbox"/> Gestational Parenting <input type="checkbox"/> Grandparent Access <input type="checkbox"/> Paternity/Parentage <input type="checkbox"/> Termination of Parental Rights <input type="checkbox"/> Other Parent-Child:	
Employment <input type="checkbox"/> Discrimination <input type="checkbox"/> Retaliation <input type="checkbox"/> Termination <input type="checkbox"/> Workers' Compensation <input type="checkbox"/> Other Employment:		Other Civil <input type="checkbox"/> Administrative Appeal <input type="checkbox"/> Antitrust/Unfair Competition <input type="checkbox"/> Code Violations <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Intellectual Property <input type="checkbox"/> Lawyer Discipline <input type="checkbox"/> Perpetuate Testimony <input type="checkbox"/> Securities/Stock <input type="checkbox"/> Tortious Interference <input type="checkbox"/> Other:							
Tax <input type="checkbox"/> Tax Appraisal <input type="checkbox"/> Tax Delinquency <input type="checkbox"/> Other Tax		Probate & Mental Health Probate/Wills/Intestate Administration <input type="checkbox"/> Dependent Administration <input type="checkbox"/> Independent Administration <input type="checkbox"/> Other Estate Proceedings <input type="checkbox"/> Guardianship—Adult <input type="checkbox"/> Guardianship—Minor <input type="checkbox"/> Mental Health <input type="checkbox"/> Other:							
3. Indicate procedure or remedy, if applicable (may select more than 1):									
<input type="checkbox"/> Appeal from Municipal or Justice Court <input type="checkbox"/> Arbitration-related <input type="checkbox"/> Attachment <input type="checkbox"/> Bill of Review <input type="checkbox"/> Certiorari <input type="checkbox"/> Class Action		<input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Garnishment <input type="checkbox"/> Interpleader <input type="checkbox"/> License <input type="checkbox"/> Mandamus <input type="checkbox"/> Post-judgment		<input type="checkbox"/> Prejudgment Remedy <input type="checkbox"/> Protective Order <input type="checkbox"/> Receiver <input type="checkbox"/> Sequestration <input type="checkbox"/> Temporary Restraining Order/Injunction <input type="checkbox"/> Turnover					
4. Indicate damages sought (do not select if it is a family law case):									

- ☐ Less than \$100,000, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney fees
- ☐ Less than \$100,000 and non-monetary relief
- ☐ Over \$100,000 but not more than \$200,000
- ☒ Over \$200,000 but not more than \$1,000,000
- ☐ Over \$1,000,000

Rev 2/13

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2017-45161 / Court: 234

CAUSE NO. _____

ANTHONY CLAY, JAOPSAN JADRIAN § IN THE DISTRICT COURT OF
DEVILLE, AND JIMMIE LOWERY §
Plaintiffs, §
§
§
VS. § HARRIS COUNTY, T E X A S
§
ORVALEE DONALD LAIRSON, AND §
CAT & SONS TRANSPORTATION LLC §
Defendants. § _____ JUDICIAL DISTRICT

**PLAINTIFFS' ORIGINAL PETITION
& REQUEST FOR DISCLOSURE**

COMES NOW ANTHONY CLAY, JAOPSAN JADRIAN DEVILLE, AND JIMMIE LOWERY, Plaintiffs, complaining of ORVALEE DONALD LAIRSON, AND CAT & SONS TRANSPORTATION LLC, Defendants, and for cause of action shows:

A. APPLICABLE DISCOVERY CONTROL PLAN

1. Pursuant to Rule 47, Texas Rules of Civil Procedure, Plaintiffs pleads that the damages in this cause exceed \$200,000.00, but are not expected to exceed \$1,000,000.00. Further, pursuant Rule 190.3, TRCP, discovery in this case will be conducted under a Level 2 Discovery Control Plan.

B. PARTIES

2. Plaintiff, ANTHONY CLAY, is an individual and a resident of Houston, Harris County, Texas.
3. Plaintiff, JAOPSAN JADRIAN DEVILLE, is an individual and a resident of Houston, Harris County, Texas.
4. Plaintiff, JIMMIE LOWERY, is an individual and a resident of Houston, Harris

County, Texas.

5. Defendant, ORVALEE DONALD LAIRSON, is an individual who is a non-resident of Texas whose home address is **9350 North 67th, Apartment Unit 163, Glendale, Arizona 85302**. He may be served with process by serving the Chairman of the Texas Transportation commission at 125th E. 11th Street, Austin, Texas 78701, as Defendant's agent for service because Defendant was a party to a collision or accident while operating a motor vehicle in Texas.

6. Defendant, CAT & SONS TRANSPORTATION LLC is a foreign corporation organized and existing under the laws of the State of Arizona, whose principal office is located at 6623 N. 67th Avenue, Glendale, Arizona 85301, and may be served with process by serving the Texas Secretary of State of Texas at 1019 Brazos Street, Austin, Texas 78701, as its agent for service because Defendant engages in business in Texas but does not maintain a regular place of business in Texas or a designated agent for service of process and this suit arose from Defendants' business in Texas.

C. VENUE AND JURISDICTION

7. Venue is proper in Harris County, Texas, because all or a substantial part of the events or omissions occurred in Harris County, Texas.

8. The Court has jurisdiction over the controversy because the damages are within the jurisdictional limits of this Court.

D. FACTS

9. This lawsuit results from an automobile accident which occurred on July 9, 2015 at the 800 block of North Loop East, Harris County, Texas.

10. Plaintiff, ANTHONY CLAY, was the driver of a 2007 tan Chevrolet Impala vehicle, traveling westbound in the 4th lane of the North Loop East. Plaintiffs JAOPSAN JADRIAN DEVILLE, and JIMMIE LOWERY were passengers in the vehicle being driven by Plaintiff ANTHONY CLAY.

11. At the same time and place, Defendant, ORVALEE DONALDSON LAIRSON, was the driver of a 2005 red Peterbuilt, owned by Defendant, CAT & SONS TRANSPORTATION LLC, traveling westbound in the 800 block of the North Loop East.

12. Defendant, ORVALEE DONALDSON LAIRSON, lost control of his vehicle while driving at an excessive rate of speed and violently and unexpectedly crashed into the rear of Plaintiff's vehicle.

13. The police officer who investigated the accident also determined that Defendant driver contributed to causing the accident.

14. This accident caused serious, painful and debilitating injuries to Plaintiffs, ANTHONY CLAY, JAOPSAN JADRIAN DEVILLE, and JIMMIE LOWERY, as well as property damage.

E. RESPONDEAT SUPERIOR

15. At all times relevant hereto, ORVALEE DONALDSON LAIRSON, was acting in the course and scope of his employment with Defendant, CAT & SONS TRANSPORTATION LLC.

F. NEGLIGENCE OF ORVALEE DONALDSON LAIRSON

16. At the time of the accident, Defendant was operating his vehicle negligently. Defendant's negligence was the proximate cause of Plaintiff's injuries. Defendant had a duty to exercise ordinary care and operate his vehicle reasonably and prudently. Defendant breached that duty in one or more of the following ways:

- a. In failing to control speed;
- b. In failing to keep a proper lookout;
- c. In failing to make a proper and/or timely application of the brakes;

- d. In failing to turn Defendant's vehicle to the right or the left to avoid the collision in question;
- e. In operating a motor-vehicle at an unreasonable rate of speed;
- f. In failing to maintain a single lane.

G. NEGLIGENCE PER SE OF ORVALEE DONALDSON LAIRSON

17. Defendant's conduct was negligence *per se* because Defendant breached a duty imposed by statute. Defendant's breach caused Plaintiff's injuries. Specifically, Defendant breached the duty imposed by statute by:

- a. An operator shall, if following another vehicle, maintain an assured clear distance between the two vehicles, so that, considering the speed of the vehicles, traffic, and the conditions of the highway, the operator can safely stop without colliding with the preceding vehicle or veering into another vehicle. *Tex. Transp. Code §545.062(a)*; and
- b. An operator on a roadway divided into two or more clearly marked lanes of traffic: (1) shall drive as nearly as practical entirely within a single lane; and (2) may not move from the lane unless that movement can be made safely; *Tex. Transp. Code § 545.060*.

H. NEGLIGENCE OF DEFENDANT CAT & SONS TRANSPORTATION LLC

18. Plaintiff would show that Defendant, CAT & SONS TRANSPORTATION LLC., was negligent and negligent *per se* at the time of the accident described above. Plaintiff would show that Defendant, ORVALEE DONALDSON LAIRSON, was an agent, servant and/or employee of CAT & SONS TRANSPORTATION LLC., and was acting within the course and scope of his employment as such agent, servant and/or employee when the accident made the basis of this suit occurred. As such, Defendant, CAT & SONS TRANSPORTATION LLC, is liable for the negligence and negligence *per se* of Defendant, ORVALEE DONALDSON LAIRSON, under the theory of *respondeat superior*.

I. MISNOMER/ALTER EGO

19. In the event any parties are misnamed or are not included herein, it is Plaintiffs' contention that such was a "misidentification", "misnomer" and/or such parties are/were "alter egos" of parties named herein. Alternatively, Plaintiffs contends that such "corporate veils" should be pierced to hold such parties properly included in the interest of justice.

J. PRE-EXISTING CONDITIONS

20. In the alternative, Plaintiffs would show that if any injury and/or condition from which they currently suffers was pre-existing, then such condition was aggravated, exacerbated and/or made worse by the negligence of the Defendants herein.

K. SUBSEQUENT CONDITION

21. In the alternative, Plaintiffs would show that if they suffer from any subsequent injury and/or condition, then such injury and/or condition was aggravated and/or exacerbated by the negligence of the Defendants herein.

L. U.S. LIFE TABLES

22. Plaintiffs hereby notify the Defendants of their intent to use U.S. Life Tables as published by the U.S. Government in the trial of this matter.

M. DAMAGES

23. As a direct and proximate result of defendant's negligence, Plaintiffs suffered severe and painful injuries. As a result of Plaintiffs' injuries, Plaintiffs suffered the following damages, which are within the jurisdictional limits of this Court:

- a. Physical pain in the past, present and future;
- b. Mental anguish in the past, present and future;
- c. Medical expenses in the past, present and future;

- d. Physical impairment in the past, present and future; and
- e. Physical disfigurement;

N. REQUEST FOR DISCLOSURE

24. Under Texas Rules of Civil Procedure 194, Plaintiffs request that Defendants disclose, within 50 days of the service of this request, the information or material described in Rule 194.2

O. PRAYER

WHEREFORE, Plaintiffs ask that Defendants be cited to appear and answer, and on final trial, that Plaintiffs have judgment against Defendants for:

- a. Actual damages resulting from the accident in question;
- b. Pre-judgment and post-judgment interest at the highest legal rate;
- c. Costs of suit; and
- d. All other relief the Court deems appropriate.

Respectfully submitted,

CLYDE J. MOORE, P.C.

By: /s/Clyde J. Moore
Clyde J. Moore
State Bar No. 14323690
6001 Savoy, Ste. 303
Houston, Texas 77036
TEL: (713) 953-9009
FAX: (713) 953-9049
attycjmoore@yahoo.com

**ATTORNEY FOR PLAINTIFFS,
ANTHONY CLAY, JAOPSAN
JADRIAN DEVILLE, AND
JIMMIE LOWERY**